

## Student Complaints Policy and Procedure

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*This document has been informed by the expectations, core and common practices of the UK Quality Code for Higher Education: Concerns, Complaints and Appeals . This can be found at the following location and contains further guidelines, references and resources:*

<https://www.qaa.ac.uk/en/quality-code/advice-and-guidance>

*The development of our student complaints policy has also been guided by the OIA (Office of the Independent Adjudicator) good practice framework: handling student complaints and academic appeals.*

<http://www.oiahe.org.uk/providers-and-good-practice/good-practice-framework.aspx>

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[Student Complaint Form](#)

[Third Party Consent Form](#)

[Group Academic Appeal/Student Consent Complaint Form](#)

The above forms can also be accessed via Moodle on the [Academic Procedures & Policies page](#).

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### List of appendices:

Appendix A - Complaints procedure flowchart

Appendix B - Complaints appeals procedure flowchart

## 1. Policy

The Academy makes every effort to ensure that students have the best experience. It recognises that there are times when students may have a specific concern about the provision of a programme of study or a related academic service. The complaints policy and procedure aims to help to resolve such concerns in a manner which is as fair and expeditious as possible.

This policy and procedure applies to all enrolled students and recent graduates (both students on programmes validated by the Open University (OU) and those on the Academy's internally awarded programmes) and should be adopted where a student has a complaint arising from their experience at the Academy. This includes any specific concerns about the provision of a course/module, or a programme of study, or related academic service.

**Students who wish to pursue a complaint under this Policy will not suffer detriment in their subsequent studies as a result of action taken.** However, the Academy may consider taking disciplinary action if a complaint is or is considered to be malicious or vexatious (i.e specifically made to cause harassment).

If a student wishes to complain against a decision of an academic body charged with decisions on student progression, assessment and standards, including against an academic judgement once marks have been awarded at an examination board, they shall refer to the **Appeals Policy and Procedure**.

This policy and procedure also excludes appeals against disciplinary and admissions decisions which should be taken up in accordance with the **Disciplinary Policy and Procedure** and **Admissions Policy**, respectively.

Complaints should be raised as soon as practicable in line with the timescales detailed below in section 2. The earlier matters are raised, the easier resolution tends to be. Many complaints can be resolved informally through the informal complaints procedure. In cases where an informal solution cannot be resolved the formal complaints procedure will be invoked.

### **1.1 Examples of matters which could be raised through this complaints policy**

- Perceived deficiencies in academic provision (e.g. scheduling of classes; amended submission dates; submission procedures for assessed work; provision of feedback).
- Perceived deficiencies in the standard of academic provision.
- Perceived mismatch between the programme of study as advertised, and that actually delivered.
- Perceived deficiencies in service provision and learning resources.
- Allegations of personal detriment or harm e.g. harassment, bullying, or victimisation.
- Allegations of violence may be raised through this procedure, although these should be referred directly to the Police if serious.

### **1.2 Examples of matters which are excluded from this policy**

- Academic Appeals (see the separate policy in place for academic appeals).
- Admissions (complaints regarding the admissions processes and decisions are subject to a separate complaints procedure).
- Complaints against other students may be lodged through this process, but, if appropriate, will be progressed through the Student Disciplinary Policy and Procedures. Similarly, complaints against members of staff will, if appropriate, be progressed through the Staff Disciplinary Policy and Procedure.

### **1.3 Support Available**

We recognise that making a complaint can be stressful. The Academic Programme Manager can provide advice and support on and throughout the process.

Students are also reminded of the Care First service for wellbeing support.

## **2. Procedure**

### **2.1 Informal Procedure**

If a student has a complaint, the matter should be raised initially with their Programme Leader, PAT or Academic Programme Manager. **This should be done within fourteen calendar days of the matter becoming a concern.** The complaint should be raised orally in the first instance, although the student/s may be requested to put it in writing. In the event that the complaint relates to one of the aforementioned people who would normally deal with a complaint at this stage, the complaint should be referred to the Director of Programmes.

The staff member will attempt to resolve the complaint informally. They shall enquire into the complaint and will discuss it with the student/s at a meeting. Student/s may be accompanied or represented at this meeting. Notes will be made from the meeting and stored on the student's confidential record (in line with the Academy's Data Retention & Disposal Schedule). If the staff member, following a discussion with the student/s, feels that the complaint should be dealt with formally, the student/s should follow the Formal Complaints Procedure.

In both cases the staff member should advise the student/s of their decision within seven calendar days after the complaint is received. The decision will be communicated to the student/s orally (the student/s may be accompanied or represented at this meeting) and followed up by written confirmation. If, upon receipt of the written decision, the student/s is still dissatisfied with the decision, they may progress the complaint according to the Formal Complaints Procedure.

## 2.2 Formal Procedure

Where a complaint has not been resolved through the informal procedure, a student should use the formal procedure. The formal procedure means that the complaint must be put in writing, using the complaint form. It will be investigated at a senior level in the Academy and a written outcome will be given to the student/s.

A student wishing a complaint to be considered formally should submit the matter in writing using the complaint form, marking the email as a formal complaint in the subject header) and including any relevant supporting evidence (types of evidence will depend on the nature of the complaint, but could include witness statements, reports by professionals, and financial information, policy and other documents issued by the Academy). Students are advised to seek guidance on supporting evidence from the Director of Quality & Student Experience, who will also be able to assist in locating documentation issued by the Academy if necessary. Where student/s are having difficulty collating the required evidence within the deadline, they should discuss the issues with the Director of Quality & Student Experience who may be able to assist or grant an extension to the deadline. However, Student/s will not have opportunity to submit further evidence after submitting the formal complaint (unless the Investigating Officer requests further evidence to aid their investigation).

Formal complaints must be submitted to the Director of Quality & Student Experience. **This must be done within fourteen calendar days of the outcome or failure of the Informal Procedure stage, or within fourteen calendar days of the act or omission complained of, or its latest incidence. The Director of Quality & Student Experience will acknowledge receipt of the complaint and inform the student/s how the matter will be taken forward, within two calendar days of receipt.** A complaint submitted outside this timescale should include an explanation of why it is late.

If the Informal Procedure stage has not been undertaken and the Director of Quality & Student Experience considers that it should have been entered into, the complaint will be referred to this stage.

It is at the discretion of the Director of Quality & Student Experience whether late-submitted complaints will be accepted. Where the Formal Procedure Stage is refused, the Director of Quality & Student Experience will write to the student/s **within seven calendar days** setting out the reasons for the decision and issue the student/s with a 'Completion of Procedures' letter if they are registered on an internally awarded programme, or a 'Completion of Internal Procedures letter' for those students on an Open University validated programme, which is required before a complaint can be lodged with the OU.

The Director of Quality & Student Experience will consider and investigate the complaint, unless they had previously considered it at the informal stage, in which instance the Director of Quality & Student Experience will arrange for the matter to be considered by the Director of Programmes or other suitably senior staff member (who has no direct involvement in the complaint).

The form which the investigation will take is at the discretion of the Investigating Officer. It will normally involve discussion with the student/s and discussion with any persons required to respond to the complaint (respondents), and/or any other relevant person. These discussions will be undertaken separately, and may be conducted by telephone. The investigation may also involve the consideration of documentary evidence. Any documentary evidence supplied by either the student/s or the respondent(s) will normally be provided to both parties, unless the Investigating Officer considers that a good case for confidentiality has been made by either side. The Investigating Officer may ask for clarification on the source of the evidence supplied, should they have concerns about its authenticity.

### **2.2.1 Complaints made by third parties or collectively**

Complaints made by third parties on behalf of a student will only be accepted if the student has given their written permission that the third party may act on their behalf. Please note that where this option is taken up the student's representative will attend all meetings and respond to all correspondence *in the place* of the student. A Third Party Consent Form can be found in **Appendix C** of this document and on Moodle.

A complaint may be made individually, or collectively (i.e. by more than one student). Where a complaint is made collectively the Academy will request that a spokesperson is nominated by the students making the complaint, to whom all correspondence relating to the complaint may be addressed. Students making a collective complaint should complete the Group Appeal/ Complaint Form found in **Appendix D** of this document and on Moodle.

### **2.2.2 Late Submissions**

It is at the discretion of the Director of Quality & Student Experience whether late-submitted complaints will be accepted, considering if it is still reasonably possible to investigate the events (i.e. if records are still available and witnesses remain available). Other factors such as the student's individual circumstances and the nature of the issues being raised may be considered in the DQSE's decision. The student/s may be asked to supply evidence to support any mitigating circumstances for the late submission.

Where the Formal Procedure Stage is refused, the Director of Quality & Student Experience will write to the student/s **within seven calendar days** setting out the reasons for the decision and issue the student/s with a 'Completion of Procedures' letter if they are registered on an internally awarded programme, or a 'Completion of Internal Procedures letter' for those students on an Open University validated programme, which is required before a complaint can be lodged with the OU.

### 2.2.3 Formal Meeting

**Both student/s and respondent(s) will be given at least five calendar days' notice of a meeting with the Investigating Officer.** Both may be accompanied or represented at this meeting. If during the course of the investigation the Investigating Officer considers it appropriate, the matter may be referred for consideration under the Student or Staff Disciplinary Policy and Procedure as appropriate, including if the complaint is thought to be malicious or vexatious or the evidence supplied found not to be genuine. In such a case, the complaint procedure is suspended until the outcome of the disciplinary proceedings, since these may affect the outcome and/or remedy of the complaint. The student/s will be notified of this in writing.

At the conclusion of the investigation, the Investigating Officer will detail the outcome in writing setting out the scope of the investigation and the reasons for the decision. The timescale for this will depend on the complexity of the matter in question. **A student/s can normally expect to receive the outcome within 14 calendar days of submitting the complaint. However, a student will be advised if a time extension is required and the reasons why.** The Director of Quality & Student Experience will communicate these to the student/s.

*In the absence of the The Director of Quality & Student Experience, or where there is a conflict of interests, the Director of Operations shall deputise in these duties.*

### 2.2.4 If the complaint is found to be substantiated

If the complaint is found to be substantiated in whole or part, the Investigating Officer will identify a course of action. If the Investigating Officer considers that any other action or remedy would be appropriate, this should first be discussed with the Director of Programmes. Actions may include one or more of the following:

- written apology;
- requiring the Academy to take steps to remedy any disadvantage suffered by the student/s.

The Director of Quality & Student Experience will inform both student/s and respondent(s). A 'Completion of Internal Procedures Letter' will be issued. The Director of Quality & Student Experience will advise the student/s of the Appeal Procedure.

### 2.2.5 Records

Records of the complaint (complaint form, related emails, letters of completion, written notice of outcomes etc) will be stored on the student's confidential record and kept in accordance with the Academy's Data Retention & Disposal Schedule.

## 2.3 Appeals Procedure

If a student (or group of students) is not satisfied with the outcome of the Formal Procedures stage, they are entitled to request an appeal. The Appeal Stage is not a re-hearing of the original complaint, and will not automatically be given. **A student wishing to appeal against a decision must do so within seven calendar days of the decision.** To do so the student/s should inform the Director of Quality & Student Experience in writing, by email, stating the grounds for appeal. In cases where the Director of Quality & Student Experience was the original investigating officer, the appeal will be passed to the Director of Programmes or other suitably senior staff member (who has no direct involvement in the complaint). The student will be notified who the Investigating Officer will be.

### 2.3.1 Grounds for Appeal

Appeals against outcomes of the Formal Procedure may be sought on the following grounds only:

- (i) That there were procedural irregularities in the conduct of the Formal Procedure which resulted in disadvantage to the student/s;
- (ii) that on the facts available during the Formal Procedure, the Student/s felt the decision and outcome were not reasonable.

The Investigating Officer has the right to refuse the Appeal Stage where:

- (i) No case has been made out in respect of the grounds identified above; and/or
- (ii) the request for the Appeal Procedure was submitted late.

### 2.3.2 Appeal refused

Where the appeal is refused, the Investigating Officer will write to the student/s setting out the reasons for the decision and Director of Quality & Student Experience will issue the student/s with a with a 'Completion of Procedures' letter if they are registered on an internally awarded programme, or a 'Completion of Internal Procedures letter' for those students on an Open University validated programme. This concludes the process within the Academy. **A student will normally be notified of this outcome within seven calendar days of receipt of the request.**

### 2.3.3 Appeal deemed valid

Where the appeal request is deemed valid, the Director of Quality & Student Experience will arrange for the matter to be considered by an Appeal Officer, who will be a member of staff of appropriate seniority (who has no direct involvement in the complaint) and will **notify the student of this within seven calendar days of receipt of the request.**

The form which consideration of an appeal will take is at the discretion of the Appeal Officer. It will normally involve discussion with the student/s and discussion with any persons required to respond to the complaint (respondents), and/or any other relevant person. These discussions will be undertaken separately, and may be conducted by telephone. Both student/s and respondent(s) will be given at least five calendar days' notice of a meeting with the Appeal Officer. Both may be accompanied or represented at this meeting. The Appeal Procedure will consider documentation already submitted and

the outcome of the Formal Procedure. New material may not normally be submitted at the Appeal Stage. New complaints may not be included at the Appeal Stage.

At the conclusion of the Appeal Procedure, the Appeal Officer will detail their judgement in writing, setting out the scope of the Appeal Procedure and the reasons for the decision reached. The timescale for this will depend on the complexity of the matter in question. **A student/s can normally expect to receive an outcome within ten calendar days of notification of the Appeal Procedure.** If this is exceeded, the Appeal Officer should notify the Director of Quality & Student Experience of the reasons for the delay, and identify an expected completion date, who in turn will communicate these to the student/s.

If the appeal is upheld in part or whole the Appeal Officer will identify a course of action. This may include any of those available during the Formal Procedure. If the Appeal Officer considers that any other action or remedy would be appropriate; this should first be discussed with the Director of Programmes and/ or the Principal (as appropriate, to avoid any conflicts of interest). The Appeal Officer will send the written outcome to the Director of Quality & Student Experience. The Director of Quality & Student Experience will send this to both student/s and respondent(s).

*In the absence of the The Director of Quality & Student Experience, or where there is a conflict of interests, the Director of Operations shall deputise in these duties.*

The Academy will issue a with a 'Completion of Procedures' letter if they are registered on an internally awarded programme, or a 'Completion of Internal Procedures letter' for those students on an Open University validated programme, This letter concludes the formal complaints procedures and provides the student with formal confirmation that the student has exhausted all available stages of the internal complaints procedures.

## **2.4 Case for Appeal rejected (Open University validated programmes)**

Where the appeal has been rejected, the 'Completion of Internal Procedures Letter' concludes the Academy's appeals procedures and provides the student with formal confirmation that the student has exhausted all available stages of the internal appeals procedures and advises them of their right to take their appeal to the OU.

Students who are not satisfied with the outcome of the appeal may take their appeal to the Academy's validating partner, The Open University. The Open University procedures state that they must receive appeals within 28 calendar days of the outcome of the Academy's internal procedures.

An appeal will not be considered unless it is initiated and progressed by the student personally. No substantive correspondence or discussions will be entered into by the Open University with a third party unless the student specifically requests this in writing. The Open University procedures state that they must receive appeals as soon as possible and within three months of the outcome of the Academy's internal procedures.

The Open University will inform the student of the outcome within 56 calendar days (of the outcome of the Academy's internal procedures).

A copy of the Open University formal appeals and complaints procedure for students is available on request from the Quality & Standards Office. Alternatively, complaints should be addressed to: *The Vice-Chancellor's Delegate, Academic Services, Student Casework Office, The Open University, Walton Hall, Milton Keynes, MK7 6AA, United Kingdom.*

## 2.5 Case for Appeal rejected (internally awarded programmes)

Where the appeal has been rejected, the 'Completion of Procedures Letter' concludes the Academy's appeals procedures.

## 3. Reports and Documentation

A summary of complaints is reported to the AQSSEC, Academic Board and Board of Trustees for monitoring purposes.

Any notes made during the Formal or Appeal Procedures are exclusively for the benefit of the Investigating Officer or the Appeal Officer, and are not disclosable to either student/s or respondent(s).

## 4. Contact Details

Director of Programmes: [sue@artacademy.ac.uk](mailto:sue@artacademy.ac.uk)

Director of Quality & Student Experience: [darren@artacademy.ac.uk](mailto:darren@artacademy.ac.uk)

Academic Programme Manager: [georgina@artacademy.ac.uk](mailto:georgina@artacademy.ac.uk)

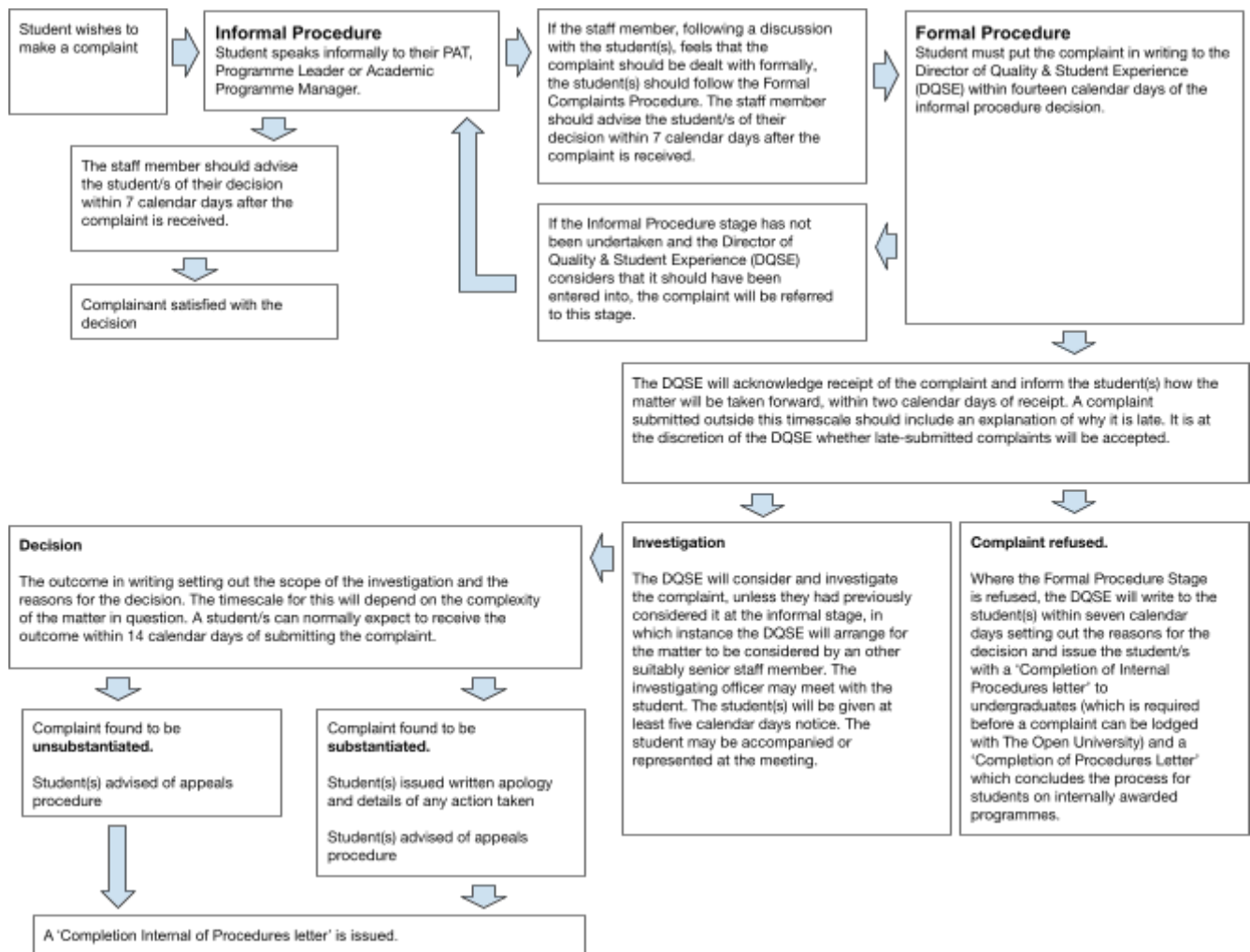
### Policies and documents that supplement and reference this document:

- Quality Handbook
- Student Handbook
- Tutor Handbook
- Academic Appeals Policy and Procedure

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# Appendix A - Complaints procedure flowchart



# Appendix B - Complaints Appeals procedure flowchart

